IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 20TH NOVEMBER 2007 / 29TH KARTHIKA 1929

Crl.Rev.Pet.No. 896 of 2003()

CRA.162/1997 of SESSIONS COURT, THALASSERY
CC.342/1993 of JUDL.MAGISTRATE OF FIRST CLASS COURT-II, KANNUR

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REVN. PETITIONER: APPELLANT/ACCUSED

K.V.PRABHAKARAN, S/O. SEKHARAN,
CHAKKARA PUTHIYA VALAPPIL, KIZHUTHALLI,
P.O.CHOVVA, KANNUR DISTRICT.

BY ADV. SRI.P.VIJAYA BHANU
SMT.REHNA.P.G

RESPONDENTS: RESPONDENT/COMPLAINANT

STATE OF KERALA, REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. PUBLIC PROSECUTOR, SRI AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 20/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NO.3373/2003 IN CRL.R.P.NO.896/2003

DISMISSED.

SD/- K.R.UDAYABHANU, JUDGE

20/11/2007

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K.R.UDAYABHANU, J.

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Crl. R.P.No.896 of 2003-C

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Dated this the 20th day of November, 2007

O R D E R

The revision petitioner stands convicted for the offences under Sections 279, 338 and 304A I.P.C and sentenced to undergo rigorous imprisonment for six months for the offence under Section 279 I.P.C., to undergo rigorous imprisonment for one year for the offence under Section 338 I.P.C and to undergo rigorous imprisonment for two years for the offence under Section 304A I.P.C.

2. The prosecution case is that on 20/05/1990 at about 1.15 p.m., the accused drove bus bearing Reg.No.KRN.3681 in a rash and negligent manner so as to endanger human life through the public road and hit against an auto-rickshaw bearing Reg.No.KL.13/3326 driven by PW.1 as a result of which two passengers in the auto-rickshaw sustained injuries and died on the way to the hospital.

3. The counsel for the revision petitioner has only sought for modification of sentence. It is submitted that about 17 years have elapsed since the date of the incident and that the revision petitioner/accused has suffered much and that the sole means of livelihood of his family is his income. In the circumstances, the sentence

imposed for the offence under Section 304A I.P.C is modified to imprisonment till the rising of the court and to pay compensation of rupees twenty thousand each to the legal representatives of the deceased and in default to undergo simple imprisonment for six months each. The sentence imposed for the offences under Sections 279 and 338 I.P.C is modified to pay a fine of rupees one thousand each and in default to undergo simple imprisonment for two weeks each. The revision petitioner is granted three months time to remit the fine and compensation amounts. He shall appear before the Judicial Magistrate of the First Class-II, Kannur, on 20/02/2008 to receive the sentence. The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
Judge

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